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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Troy J Cole  
Woodard Emhardt Naughton Moriarty & Mcnett  
Bank One Center Tower Suite 3700  
111 Monument Circle  
Indianapolis, IN 46204

EXAMINER	
TORRES VELAZQUEZ, NORCA LIZ	
ART UNIT	PAPER NUMBER

1771

DATE MAILED: 04 02 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,040

Applicant(s)

DE MEYER ET AL

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and 122.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Interview Summary (PTO-413) Paper No. \_\_\_\_\_
- 3) ☐ Interview Summary (PTO-413) Interview No. \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 15-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language used in claim 15 is very confusing, by using "Extended textile reinforcement layer" in the preamble and then referring to "the textile reinforcement layer" as one of the layers comprised in the article makes the claim indefinite. Examiner suggests amending that phrase to be "a textile reinforcement layer".

Further, by using the language: "...the textile layer **consists of** a stiffening material..." this is a closed-ended transitional phrase that implies that the textile layer contains only a

transition phrase: "...the textile layer **consists of** a stiffening material..."  
the textile layer

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The problem is further enhanced when claims 22-27 are read. While claim 15, claims 3 layers that form the “Extended textile reinforcement layer”, claim 22 implies that the “stiffening” [stiffening material] is a fourth layer. Is this a separate layer or element? If it is, then what is the spatial relation of this layer or element in reference with the inner layer, the textile reinforcement layer and the outer layer?

The Examiner will also like to note that Applicants are not consistent with the language of the claims. For example, on claim 15 is claimed: “Extended textile reinforcement layer...” then on claim 16, Applicants refer to it as “Reinforcement layer...” The same for “textile reinforcement layer” within claim 15; “stiffening material”, then referred to as “stiffening” in the dependent claims.

Claim 27 recites the limitation "the matrix material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Further, regarding the last four sentences of claim 15, if the stiffening material at normal ambient temperature will act in a direction substantially perpendicular to the longitudinal axis of the body to be stiffened; then there is no need to include the broad limitation that it acts in a direction different from the longitudinal axis of the body to be stiffened. The inclusion of both limitations is redundant.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

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On the invention first patented in foreign country prior to the date of application for patent in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 15-29 are rejected under 35 U.S.C. 102(b) as being anticipated by CHUDGAR et al. (US 3944453).

CHUDGAR et al. discloses an improved hose construction wherein a thermally formed, fused bonding layer is provided autogenously with the outer surface portion of the core tube and defining a mechanical interlock with the inner surface portion of a fibrous reinforcement layer. (Column 2, lines 33-38)

The reinforcement layer may be formed of a thermoplastic material having a higher fusion temperature than that of the core tube so as to assure the provision of the desired mechanical interlock between the bonding layer and reinforcement layer and autogenously weld between the bonding layer and the inner portion of the core tube. The reinforcement layer may comprise any suitable reinforcement material providing the desirable mechanical interlocked association with the fused bonding layer. The added layer may comprise a thin thermoplastic film and may be coextruded with the core tube as desired or further may be provided with reinforcement fibers as desired. (Column 2, lines 65-68 through Column 3, lines 1-12).

Regarding the stiffening material on Applicants' claim 16, it is noted that all thermoplastic construction will stiffen when exposed to cold and soften when exposed to heat.

Further, the reference discloses that the reinforcement layer may comprise any suitable reinforcement including braided, spiral wrapped, knitted, or other conventional forms of hose reinforcement constructions. The reinforcement layer may be formed of a fibrous fabric, which may be formed of a suitable fibrous material. Where the reinforcement layer is formed of a suitable fibrous material, the bonding layer (Column 4, lines 17-25)

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


MEZZALIRA (US 6199594 B1) – discloses a reinforcement flexible hose that includes at least one inner tubular layer, a knitted reinforcement and an outer layer. The knitted reinforcement layer is provided in the form of a single tubular layer and is wrapped around the outer surface of the inner tubular layer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt  
March 27, 2002



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER